

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL NO. 3:98CV394**

<b>CALVIN R. LUCKEY, and wife PEGGY G. LUCKEY, )</b>	
<b>DONNIE I. BAILEY, )</b>	
<b>THEODORE BALLARD, JR., )</b>	
<b>MARGARET BIGHAM, Individually and as Executrix )</b>	
<b>of the Estate of ROTHELLE R. BIGHAM, Deceased, )</b>	
<b>HAZEL BOONE, Individually and as Executrix of )</b>	
<b>The Estate of BILLY H. BOONE, Deceased, )</b>	
<b>FLOYD J. BOWMAN, )</b>	
<b>WILLIE J. BURT, JR., )</b>	
<b>RONNER BYERS and wife FRANCES BYERS, )</b>	
<b>RICHARD ALLEN JONES and wife JUDY ANN )</b>	
<b>FINK JONES, )</b>	
<b>CLEMENT "RAY" KEENE and wife )</b>	
<b>BARBARA JO DEATHERAGE KEENE, )</b>	
<b>SYLVIA L. JOHNSON, Executrix of the Estate of )</b>	
<b>CLARENCE LUCKEY, SR., Deceased )</b>	
<b>JUDY HORNE MARTIN, Individually and as )</b>	
<b>Executrix of the Estate of RAY E. MARTIN, Deceased, )</b>	
<b>RAYMOND L. MOORE, )</b>	
<b>HAZEL B. MULLIS, Individually and as Executrix )</b>	
<b>Of the Estate of JERRY R. MULLIS, Deceased, )</b>	
<b>JIMMY W. NEAL and wife DOREEN NEAL, )</b>	
<b>JOHN A. NOBLE, III and wife, WENDY ROBIN )</b>	
<b>HASTINGS NOBLE, )</b>	
<b>TONY E. ROGERS, and wife, PATRICIA LaDONNE )</b>	
<b>C. ROGERS, )</b>	
<b>JAMES AUBREY SAUNDERS and wife )</b>	
<b>GEORGIA SMITH SAUNDERS, )</b>	
<b>GENE A. SHIRES and wife HELEN SHIRES, )</b>	Civil No. 3:98CV394
<b>JOHN WESLEY SMITH and wife BETTY SMITH, )</b>	
<b>KENNETH G. SMITH and wife MARGARET SMITH, )</b>	
<b>WILLIAM ERNEST SMITH, )</b>	
<b>JACKSON J. SMITH and wife CAROLYN S. SMITH, )</b>	
<b>ROGER FRANKLIN THOMAS and wife ELLA )</b>	
<b>SHINN THOMAS, )</b>	
<b>WALTER D. THOMPSON, )</b>	
<b>DAVID R. TURNER, )</b>	
<b>DAVID R. WHITESIDE, SR., and wife LINDA L. )</b>	
<b>WHITESIDE, )</b>	
<b>VICTOR E. YOUNT, )</b>	
	)

**LEAD CASE:  
LUCKEY**

<b>Plaintiff</b>	)
v.	)
	)
<b>AcandS Inc. et al,</b>	)
	)
Defendants.	)
	)

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**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court upon motion by Plaintiffs Donnie I. Bailey; Theodore Ballard, Jr.; Margaret Bigham, Individually and as Executrix of the Estate of Rothelle R. Bigham, Deceased; Hazel Boone, Individually and as Executrix of the Estate of Billy H. Boone, Deceased; Floyd J. Bowman; Willie J. Burt, Jr.; Ronner Byers and wife Frances Byers; Richard Allen Jones and wife Judy Ann Fink Jones; Clement “Ray” Kenne and wife Barbara Jo Deatherage Keene; Sylvia L. Johnson, Executrix of the Estate of Clarence Luckey, Sr., deceased; Judy Horne Martin, Individually and as Executrix of the Estate of Ray E. Martin, Deceased; Raymond L. Moore; Jimmy W. Neal and wife Doreen Neal; John A. Noble, III and wife Wendy Robin Hastings Noble; Tony E. Rogers and wife Patricia LaDonne C. Rogers; James Aubrey Saunders and wife Georgia Smith Saunders; Gene A. Shires and wife Helen Shires; John Wesley Smith and wife Betty Smith; Kenneth G. Smith and wife Margaret Smith; William Ernest Smith; Roger Franklin Thomas and wife Ella Shinn Thomas; Walter D. Thompson, David R. Turner, David R. Whiteside Sr, and wife Linda L. Whiteside; and Victor E. Yount, to dismiss Defendant CBS Corporation, a Delaware corporation, f/k/a Viacom, Inc., successor by merger to CBS Corporation, a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, with prejudice.

It appears that good cause exists to permit Plaintiffs to do so,

IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED that the parties' joint motion to dismiss is **ALLOWED**, and the claims of Plaintiffs Donnie I. Bailey; Theodore Ballard, Jr.; Margaret Bigham, Individually and as Executrix of the Estate of Rothelle R. Bigham, Deceased; Hazel Boone, Individually and as Executrix of the Estate of Billy H. Boone, Deceased; Floyd J. Bowman; Willie J. Burt, Jr.; Ronner Byers and wife Frances Byers; Richard Allen Jones and wife Judy Ann Fink Jones; Clement "Ray" Kenne and wife Barbara Jo Deatherage Keene; Sylvia L. Johnson, Executrix of the Estate of Clarence Luckey, Sr., deceased; Judy Horne Martin, Individually and as Executrix of the Estate of Ray E. Martin, Deceased; Raymond L. Moore; Jimmy W. Neal and wife Doreen Neal; John A. Noble, III and wife Wendy Robin Hastings Noble; Tony E. Rogers and wife Patricia LaDonne C. Rogers; James Aubrey Saunders and wife Georgia Smith Saunders; Gene A. Shires and wife Helen Shires; John Wesley Smith and wife Betty Smith; Kenneth G. Smith and wife Margaret Smith; William Ernest Smith; Roger Franklin Thomas and wife Ella Shinn Thomas; Walter D. Thompson, David R. Turner, David R. Whiteside Sr, and wife Linda L. Whiteside; and Victor E. Yount, against Defendant CBS Corporation, a Delaware corporation, f/k/a Viacom, Inc., successor by merger to CBS Corporation, a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, are hereby **DISMISSED WITH PREJUDICE**.

Signed: January 18, 2007



Lacy H. Thornburg  
United States District Judge

